

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NEW YORK

In re:

ABERDEEN ENTERPRISES, INC.
BRICKCHURCH ENTERPRISES, INC.

Debtors.

Chapter 11

Case No. 23-72834-AST

Case No. 22-70914-AST

Jointly Administered

**NOTICE OF (I) OCCURRENCE OF EFFECTIVE DATE AND SUBSTANTIAL
CONSUMMATION OF BAY POINT CAPITAL PARTNERS II, LP'S AND THE
DEBTORS' SECOND AMENDED JOINT LIQUIDATING PLAN UNDER CHAPTER 11
OF THE BANKRUPTCY CODE; AND (II) LAST DAY TO FILE (A) ADMINISTRATIVE
AND PROFESSIONAL FEE CLAIMS AND (B) CONTRACT REJECTION CLAIMS
[Related Doc. Nos. 248]**

PLEASE TAKE NOTICE that on February 16, 2024, Aberdeen Enterprises, Inc. and Brickchurch Enterprises, Inc. (together, the “Debtors”) and Bay Point Capital Partners II, LP filed the (i) *Bay Point Capital Partners II, LP's and the Debtors' Second Amended Joint Liquidating Plan under Chapter 11 of the Bankruptcy Code* [D.I. 215] (the “Plan”) and (ii) *Bay Point Capital Partners II, LP's and the Debtors' Joint Disclosure Statement* [D.I. 218].¹

PLEASE TAKE FURTHER NOTICE that on March 1, 2024 the *Findings of Fact, Conclusions of Law, and Order (I) Confirming Bay Point Capital Partners II, LP's and the Debtors' Second Amended Joint Liquidating Plan Under Chapter 11 of the Bankruptcy Code; (II) Approving Bay Point Capital Partners II, LP's and the Debtors' Joint Disclosure Statement; and Approving the Sale Transactions (As Defined Herein); and (IV) Granting Related Relief* (the “Confirmation Order”) [Dkt. No. 248] was signed by the Honorable Alan S. Trust and entered by

¹ Capitalized terms used herein, but not otherwise defined, shall have the meanings ascribed to such terms in the Plan.

the Clerk of the United States Bankruptcy Court for the Eastern District of New York (the “Bankruptcy Court”).

PLEASE TAKE FURTHER NOTICE that all of the conditions specified in Section 7.5 of the Plan have been satisfied, and the Plan became effective and was substantially consummated on March 8, 2024 (the “Effective Date”).

**PROFESSIONALS’ FINAL APPLICATIONS FOR PRE-EFFECTIVE DATE
COMPENSATION**

PLEASE TAKE FURTHER NOTICE that, unless otherwise provided by the Plan, the Confirmation Order, or any other applicable order of the Bankruptcy Court, each Professional (including (a) any professional employed by the Debtors pursuant to sections 327, 328 or 363 of the Bankruptcy Code or otherwise and (b) any professional or other entity seeking compensation or reimbursement of expenses in connection with the Chapter 11 Cases pursuant to section 503(b)(4) of the Bankruptcy Code) must file with the Court and serve their final fee applications seeking approval of their Professional Fee Claims **no later than April 8, 2024**.

ADMINISTRATIVE EXPENSE CLAIMS BAR DATE

PLEASE TAKE FURTHER NOTICE that, unless otherwise provided by the Plan, the Confirmation Order, or any other applicable order of the Bankruptcy Court, each holder of an Administrative Expense Claim must file and serve a request for payment of its Administrative Expense Claim **no later than April 8, 2024**. **Holders of Administrative Expense Claims who do not file such requests by April 8, 2024 shall be forever barred from asserting such Claims against the Debtors or their property, and the holder thereof shall be enjoined from commencing or continuing any action, employment of process or act to collect, offset, or recover such Administrative Expense Claim.**

CONTRACT REJECTION CLAIM BAR DATE

PLEASE TAKE FURTHER NOTICE that, unless otherwise provided by the Plan, the Confirmation Order, or any other applicable order of the Bankruptcy Court, **proofs of claim based on the rejection of Debtors' executory contracts or leases pursuant to Section 6.1 of the Plan must be filed with the Bankruptcy Court no later than April 8, 2024. Any Claims arising from the rejection of an executory contract or lease not filed with the Bankruptcy Court within such time will be automatically disallowed, forever barred from assertion, and shall not be enforceable against the Debtors, the Estates, or the Purchaser of the Debtors' Properties.**

BINDING EFFECT

PLEASE TAKE FURTHER NOTICE that, in accordance with Section 7.6 of the Plan, the Plan and its provisions are binding on every holder of a Claim against or Interest in one or more of the Debtors and inure to the benefit of and are binding on such holder's respective heirs, successors and assigns, regardless of whether the Claim or Interest of such holder is impaired under the Plan and whether such holder accepted the Plan.

PLAN INJUNCTION

PLEASE TAKE FURTHER NOTICE that, in accordance with Sections 4.5 and 7.1 of the Plan, Confirmation of the Plan operates as an injunction against any actions undertaken to interfere with the implementation or consummation of the Plan, including without limitation intentional interference with the Escrow Agent in the performance of its duties, except as otherwise expressly permitted by the Plan or the Confirmation Order or by an order of the Bankruptcy Court. The Bankruptcy Court shall have jurisdiction to determine and award damages and/or other appropriate relief at law or in equity for any violation of such injunction, including compensatory

damages, professional fees and expenses, and exemplary damages for any willful violation of said injunction.

PLEASE TAKE FURTHER NOTICE that copies of the Confirmation Order, the Plan, and the related documents are available (a) on the Bankruptcy Court's website for a fee by visiting <http://www.nysb.uscourts.gov> or (b) by request to the undersigned counsel of record for Debtors or Bay Point Capital Partners II, LP.

[SPACE INTENTIONALLY LEFT BLANK]

Respectfully submitted,

THOMPSON HINE LLP

By: /s/ John C. Allerding
John C. Allerding (admitted pro hac vice)
Counsel for Bay Point Capital Partners II, LP
3560 Lenox Road NE, Suite 1600
Atlanta, Georgia 30326
P: 404.407.3676 / F: 404.541.2905
John.Allerding@ThompsonHine.com

SIMMONS LEGAL PLLC
Counsel for Brickchurch Enterprises, Inc.
1330 Avenue of the Americas, Suite 23A
New York, New York 10019
(212) 653-0667
camisha@simmonslegal.solutions

GOLDBERG WEPRIN FINKEL
Counsel for Aberdeen Enterprises, Inc.
125 Park Avenue, 12th Floor
New York, New York 10017
(212) 221-5700
knash@gwfglaw.com

By: /s/ Camisha Simmons

By: /s/ Kevin Nash